

# **Exhibit A**

**KOSACCI LAW FIRM, P.C.**

**Emanuel Kosacci, Esquire**

Identification No.: 209301

4821 E. Street Road

Feasterville, PA 19053

(215) 436-9848

Attorneys for Plaintiff

HECTOR CARTAGENA

118 Church Alley

Kennett Square, PA 19348

Plaintiff

**COURT OF COMMON PLEAS  
DELAWARE COUNTY**

v.

CONCORD BEVERAGE, LP

C/O COTT CORPORATIONs Tax Dept.

5519 W. Idlewild Avenue

Tampa, FL 33634

AND

COTT CORPORATION

20 Aldan Avenue

Glen Mills, PA 19342

Defendant

DOCKET NO.: 17-1780

**CIVIL ACTION**

**NOTICE**

You have been sued in court, if you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Delaware County Bar Association  
Lawyer Referral Service  
335 W. Front Street  
Media, Pennsylvania 19063  
Telephone: (610) 566-6625

**AVISO**

La han dermandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las pa'ginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacio'n. Hace falta assentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona'. Sea avisado que si usted no se defiende, la corte tomara' medidas y puede continuar la demanda en contra suya sin previo aviso o notificaci'on. Adem'as, le corte puede decidir a favor del demandante y requiere que usted cumpla con a favor del demandante y requiere que usted couble con todas las provisiones de esta demanda. Usted puede parder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCIO'N SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

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2017 MAR -6 P 3:48

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**COMPLAINT**

1) Plaintiff, HECTOR CARTAGENA, is an adult individual residing at 118 Church Alley, Kennett Square, PA 19348.

2) Defendant, CONCORD BEVERAGE, LP (herein after " CONCORD "), is a corporation registered to do business within the Commonwealth of Pennsylvania, with a principle place of business located at 5519 W. Idlewild Avenue, Tampa, FL 33634.

3) Defendant, COTT CORPORATION, is a corporation registered to do business within the Commonwealth of Pennsylvania, with a principle place of business located at 20 Aldan Avenue, Glen Mills, PA 19342.

4) On or about March 1, 2015, Plaintiff HECTOR CARTAGENA was picking up a loaded trailer from Defendant COTT at 20 Aldan Avenue, Glen Mills, PA 19342, (hereinafter "work site") while in the course of his employment with JB Hunt.

5) Defendant CONCORD is the property owner of the aforementioned property where this instant matter stems from.

6) Defendant, COTT, was the company in charge of the supervision of the work being performed in this instant matter.

7) On or about the aforementioned time and place, Plaintiff HECTOR CARTAGENA backed his truck up to the trailer that he was assigned to pick up; however, due to a defect in the cement under the trailer, he was unable to level the trailer with the hitch on his truck.

8) Plaintiff HECTOR CARTAGENA attempted to contact Defendant COTT on-site representatives (a "yard jockey") for assistance but did not get a response.

9) As a result, Plaintiff HECTOR CARTAGENA had no choice but to manually crank lift the trailer to level it with his hitch in order to complete the job.

10) As a result, Plaintiff HECTOR CARTAGENA sustained severe and permanent injuries hereinafter set forth.

**COUNT I - NEGLIGENCE**

**HECTOR CARTAGENA v. ALL DEFENDANTS**

11) Plaintiff hereby incorporates the allegations in the preceding paragraphs as if set forth at length herein.

12) The aforesaid occurrence and the injuries to Plaintiff HECTOR CARTAGENA resulting therefrom were caused solely by the negligence of the Defendants, by its agents, servants, workmen and/or employees, who had a duty to provide a safe work site and properly supervise Plaintiff.

13) The aforesaid occurrence and the injuries to Plaintiff resulting therefrom were

caused solely by the negligence of the Defendants, and consisted of the following:

(a) Failure in the duty of care which was foreseeable and avoidable and which has led to Plaintiffs harm;

(b) Failing to properly and adequately maintain the work site;

(c) Failing to properly and adequately inspect the work site to ascertain the existence of the unsafe conditions therein;

(d) Causing and/or permitting the unsafe conditions to remain with the work site;

(e) Failing to properly and adequately correct the unsafe condition of the work site;

(f) Failing to warn individuals of the unsafe conditions then and there existing;

14) Solely as a result of the aforesaid negligence, Plaintiff was caused to suffer various physical injuries, including, but not limited to: torn left rotator cuff; arthritis as a direct result of injury, recommended elbow replacement.

15) Due to the foregoing, Plaintiff underwent intensive medical care, including surgery, in an attempt to correct said physical injuries.

16) Further, Plaintiff incurred a severe shock to his nerves, great physical pain, and mental distress and anguish, all of which may continue for an indefinite time in the future.

17) Plaintiff has been out of work since shortly after the date of this injury.

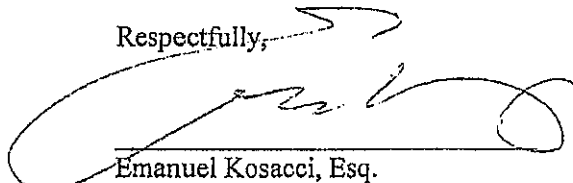
18) Further, Plaintiff has been compelled to expend various sums of money in attempting to alleviate and cure the aforesaid injuries, and was prevented from working and attending to her usual duties and believes that she may in the future be prevented from working and attending to her usual duties to her great financial loss.

19) As a direct and proximate result of the aforesaid careless and negligent acts the Plaintiff, then and there suffered great pain and anguish, both in mind and body and will in the

future continue to suffer. The Plaintiff further expended and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

**WHEREFORE**, Plaintiff demands damages of the Defendants in a sum greater than Fifty Thousand Dollars (\$50,000.00), plus costs, delay damages, and interest.

Respectfully,



Emanuel Kosacci, Esq.  
Attorney for Plaintiff

VERIFICATION

I, EMANUEL KOSACCI, hereby state that I represent the Plaintiff and the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements made therein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

  
EMANUEL KOSACCI

Dated: 2/17/2017